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Birch, Stewart, Kolasch & Birch, LLP

Fax

To:	Examiner Bradley Sisson	From:	Chrissy Castillo
Fax:	703-746-5020	Date:	September 19, 2002
Phone:	703-308-3978	Pages:	8 (including cover sheet)
Your Ref.:	09/621,630	Our Ref.:	2750-0991P
Re:	Paperwork Filed April 3, 2002	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (703) 205-8000, and send the original transmission to us by return mail at the address above.

Dear Examiner Sisson,

Thank you for the voice mail message you left for me earlier today. Per your request, enclosed herewith are copies of the paperwork as filed on April 3, 2002 in response to the Notice to Comply dated October 3, 2001. Also enclosed is a copy of the date-stamped postcard verifying receipt of these items by the USPTO.

Please do not hesitate to contact us if you need further assistance.

Best Regards,

Chrissy Castillo

BOX SEQUENCE
PATENT
2750-0991P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Compact Disk TRANSMITTAL LETTER

Applicant: Nickolai ALEXANDROV et al. Conf: 4953
Appl. No.: 09/621,630 Group: 1655
Filed: July 21, 2000 Examiner: ARTHUR, L
For: SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING
POLYPEPTIDES ENCODED THEREBY

The application identified above contains two (2) identical CD-Rs created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
new2750-0991P.ST25	April 3, 2002	147 KB

Additionally the application contains one (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
new2750-0991P.ST25	April 3, 2002	147 KB

If there are any problems concerning the Compact Disk Submission, please contact the undersigned at telephone number 703-205-8000 or by facsimile at 703-205-8050.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Raymond C. Stewart* #36,623 Date: 04/03/2002

Raymond C. Stewart, #21,066
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

RCS/DRN/BCF
2750-0991P
Attachments

Application No. 04/50620, 630

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

COPY

☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

☐ 7.

Other: _____

Applicant must provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123

For CRF submission help, call (703) 308-4212

For PatentIn software help, call (703) 557-0400

Please return a copy of this notice with your response.

Papers Filed herewith on: April 3, 2002
 DOCKET NO.: 2750-0941P ATTY: RCS/DAN
 APPLICANT(S): N. ALEXANDROV et al.
 APPLN. NO: 09/621,630 FILED: 7/21/00
 PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
 or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☒ Amendment: for Sec. Listing
☒ Transmittal Ltr ☐ Large Entity ☒ Small Entity
☐ Response
☐ Information Disc Stmt. PTO-1449(s) _____
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: \$ 900
☐ Letter: _____
☒ Other: 2 - CDs with Sec. L. 37 USC
1 - CD as Ch. F. of Sec. 201
Copy of Notice to Comply

Receipt is hereby acknowledged of the papers filed as
 indicated in connection with the above identified case.
 COMMISSIONER OF PATENTS AND TRADEMARKS
 Due Date: 4-3-02
 Handcarry: _____

DOCKET NO.

2750-0941P

APR 3 2002

RECEIVED

PARK OFFICE

3:00 PM 9/19/02 Transmission Record
Received from remote ID "7032058050"
Unique ID: "BSI3D89E6AD196D"
Elapsed time: 3 minutes, 2 seconds.
Used channel 5.
No ANI data.
No AOC data.
Resulting status code (0): No Errors
Pages sent: 1 - 8

BOX SEQUENCE
PATENT
2750-0991P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Nickolai ALEXANDROV et al **Conf:** 4953
Appl. No.: 09/621,630 **Group:** 1655
Filed: July 21, 2000 **Examiner:** ARTHUR, L
For: SEQUENCE-DETERMINED DNA FRAGMENTS AND
CORRESPONDING POLYPEPTIDES ENCODED
THEREBY

SMALL ENTITY TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

April 3, 2002

Sir:

Transmitted herewith is an amendment in the above-identified application.

A Verified Statement Claiming Small Entity Status

☐ is submitted herewith (☐ Original ☐ Photocopy).

☒ was previously submitted on July 21, 2000.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

☐ The enclosed document is being transmitted via facsimile.

The following items are additionally transmitted herewith along with the amendment:

☒ Two (2) identical CD-Rs, as required by §1.52(e)(4), created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
new2750-0991P.ST25	April 3, 2002	147 KB

☒ One (1) CD-R, as required by §1.821(e), containing the Computer Readable Form (CRF) of the Sequence Listing created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

File Name	Date of Creation	File Size
new2750-0991P.ST25	April 3, 2002	147 KB

Appl. No. 09/621,630

- ☐ Substitute Specification, excluding the claims, Table 1 and Table 2, submitted in clean form without markings under 37 C.F.R. §1.125(c)
- ☐ Marked-up copy of the substitute specification, excluding the claims, Table 1 and Table 2, under 37 C.F.R. §1.125(b)(2)
- ☒ Copy of Notice to Comply

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	50	-	50	=	0	\$ 9	\$0.00
INDEPENDENT	5	-	5	=	0	\$ 40	\$0.00
___ FIRST PRESENTATION OF A MULTIPLE CLAIM						\$135	\$0.00
						TOTAL	\$0.00

- ☒ Applicants respectfully request for a five (5) month extension of time until April 3, 2002. The required extension fee of \$980.00 is paid by deposit account.
- ☐ No fee is required.
- ☒ Please charge Deposit Account No. 50-1055 in the amount of \$980.00. This form is submitted in triplicate.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Raymond C. Stewart #36,623

Raymond C. Stewart, #21,066
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

RCS/DRN/BCF
2750-0991P
Attachments

BOX SEQUENCE
PATENT
2750-0991P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nickolai ALEXANDROV et al. Conf: 4953
APPLICATION NO.: 09/621,630 GROUP: 1655
FILED: July 21, 2000 EXAMINER: ARTHUR, L
FOR: SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING
POLYPEPTIDES ENCODED THEREBY

AMENDMENT

Honorable Commissioner of Patents
Washington, D.C. 20231

April 3, 2002

Sir:

In response to the Notice to Comply With Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed October 3, 2001, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

IN THE SPECIFICATION

Please replace the two compact disks filed on November 8, 2000 with the two compact disks labeled "Paper Copy 1" and "Paper Copy 2" enclosed herewith.

REMARKS

Sequence Listing

Enclosed herewith in full compliance to 37 C.F.R. §§ 1.821-1.825 is a Sequence Listing submitted on two (2) identical CD-Rs labeled "Paper Copy 1" and "Paper Copy 2" under 37 C.F.R. § 1.821(c) in place of the paper copy. The computer readable form of the Sequence Listing is submitted herewith on one (1) additional CD-R

Application No. 09/621,630

as required by §1.821(e). These three (3) identical CD-R copies of the Sequence Listing, file "new2750-0991P.ST25", in no way introduce new matter into the specification.

The Sequence Listing enclosed herewith is meant to correspond with the Substitute Specification filed along with an amendment on November 8, 2000. The Substitute Specification was filed to reference each nucleotide and amino acid sequence by a SEQ ID NO. The examiner is respectfully requested to confirm the receipt of the Substitute Specification filed on November 8, 2000 in her next office communication.

Extension of time

In accordance with the provisions of 37 C.F.R. §1.136 and 37 C.F.R. §1.17 applicants respectfully petition for a five (5) month extension of time until April 3, 2002. The required fee of \$980.00 should be charged to **Deposit Account No. 50-1055**.

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Raymond C. Stewart #21,066
Raymond C. Stewart, #21,066
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments:
RCS/DRN/BCF
2750-0991P

One (1) CD-R of computer readable form of the Sequence Listing
Two (2) CD-Rs of the Sequence Listing in place of the Paper Copy
Copy of Notice to Comply